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PTO/SB/30 (08/03)

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Request For Continued Examination (RCE) Transmittal

Address to:
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Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450



Application Number	09/808,316
Filing Date	March 14, 2001
First Named Inventor	Rene Kiesewetter et al
Art Unit	1755
Examiner Name	Paul D. Marcantoni
Attorney Docket Number	Mo-6051/WW-5571

This is a Request for Continued Examination (RCE) under 37 CFR 1.114 of the above-identified application.

Request for Continued Examination (RCE) practice under 37 CFR 1.114 does not apply to any utility or plant application filed prior to June 8, 1995, or to any design application. See Instruction Sheet for RCEs (not to be submitted to the USPTO) on page 2.

1. **Submission required under 37 CFR 1.114** Note: If the RCE is proper, any previously filed unentered amendments and amendments enclosed with the RCE will be entered in the order in which they were filed unless applicant instructs otherwise. If applicant does not wish to have any previously filed unentered amendment(s) entered, applicant must request non-entry of such amendment(s).

a. ☐ Previously submitted. If a final Office action is outstanding, any amendments filed after the final Office action may be considered as a submission even if this box is not checked.

i. ☐ Consider the arguments in the Appeal Brief or Rely Brief previously filed on _____

ii. ☐ Other _____

b. ☒ Enclosed

i. ☒ Amendment/Reply

iii. ☐ Information Disclosure Statement (IDS)

ii. ☐ Affidavit(s)/ Declaration(s)

iv. ☐ Other Petition for Extension of Time

2. Miscellaneous

a. ☐ Suspension of action on the above-identified application is requested under 37 CFR 1.103(c) for a period of _____ months. (Period of suspension shall not exceed 3 months; Fee under 37 CFR 1.17(i) required)

b. ☐ Other _____

3. Fees

The RCE fee under 37 CFR 1.17(e) is required by 37 CFR 1.114 when the RCE is filed.

The Director is hereby authorized to charge the following fees, or credit any overpayments, to

a. ☒ Deposit Account No. 13-3848

i. ☒ RCE fee required under 37 CFR 1.17(e)

ii. ☒ Extension of time fee (37 CFR 1.136 and 1.17)

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iii. ☒ Other Change of Correspondence Address 01 FC:1801 770.00 DA

b. ☐ Check in the amount of \$ _____ enclosed

c. ☐ Payment by credit card (Form PTO-2038 enclosed)

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED

Name (Print/Type)	James R. Franks	Registration No. (Attorney/Agent)	42,552
Signature		Date	August 13, 2004

CERTIFICATE OF MAILING OR TRANSMISSION

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as express mail in an envelope addressed to: Mail Stop RCE, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 or facsimile transmitted to the U.S. Patent and Trademark Office on the date shown below.

Name (Print/Type)	Donna J. Veatch	EV236883534US
Signature		Date August 13, 2004

This collection of information is required by 37 CFR 1.114. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop RCE, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.



PATENT APPLICATION
Mo-6051
WW-5571

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION OF)
)
RENE KIESEWETTER ET AL) EXAMINING GROUP NO: 1755
)
SERIAL NUMBER: 09/808,316)
)
FILED: MARCH 14, 2001) EXAMINER: P.D. MARCANTONI
)
TITLE: BUILDING MATERIAL)
COMPOSITIONS)

RESPONSE AND AMENDMENT UNDER 37 CFR 1.116

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450
Sir:

In response to the Final Office Action dated February 27, 2004 from the Examiner in charge of the subject application, the following amendments and remarks are respectfully submitted for consideration. This amendment is being filed as a submission under 37 C.F.R. ' 1.114(c), and is being filed concurrently with a Request for Continued Examination in the present case under 37 C.F.R. ' 1.114 along with the fees as set forth in 37 C.F.R. ' 1.17(e). A separate Petition for Extension of Time is being filed simultaneously herewith.

Amendments to the Claims are reflected in the listing of claims which begins on page 2 of this paper.

Remarks and Arguments begin on page 4 of this paper.

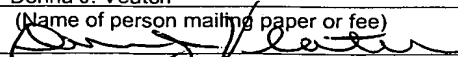
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Date of Deposit August 13, 2004

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Donna J. Veatch

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